

DRAFT
For Review and Adoption by the Council at the September 27, 2018 Meeting

DELTA STEWARDSHIP COUNCIL
Thursday, August 23, 2018
Park Tower
980 9th Street
3rd Floor Conference Center
Sacramento, CA 95814

MEETING SUMMARY

1. Welcome and Introductions

The meeting was called to order at 9:00 a.m., August 23, 2018, by Chair Randy Fiorini.

2. Roll Call – Establish a Quorum (Water Code §85210.5)

Roll call was taken, and a quorum was established. The following Councilmembers were present: Ken Weinberg, Frank Damrell, Randy Fiorini, Susan Tatayon, and Skip Thomson.

Maria Mehranian and Mike Gatto were absent.

3. Adoption of the July 26, 2018 Meeting Summary (Action Item)

Motion: Offered by Tatayon, second by Weinberg - Approved the July 26, 2018 meeting summary.

Vote: 4/0 – Weinberg, Damrell, Fiorini, Tatayon voting aye (Thomson abstained due to his absence last month), and the motion was adopted.

The video showing this motion and vote can be found on the linked agenda: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2018-08-23>. 00:01:11.

4. Chair's Report (Information Item)

The Chair asked if any Councilmembers had anything to report. Councilmember Weinberg announced his recusal from the California WaterFix appeals proceedings because of a conflict of interest with respect to his consulting work for local water supply projects that are intended to reduce reliance on the Delta. He will not take part in the consideration of any of the appeals, and will be subject to an ethical wall that will prevent him from discussing WaterFix with councilmembers or staff.

Chair Fiorini said he participated in a tour of Twitchell Island. The tour was hosted by Campbell Ingram from Delta Conservancy. They discussed subsidence and funding opportunities with Resiliency by Design.

4a. Executive Fellow Update (Information Item)

Chair Fiorini introduced Executive Fellow, Seth Yund. Mr. Yund provided a final update on his activities as part of the Capital Fellowship Program, including where he was placed at the Delta Stewardship Council. His work efforts included generating support for the Delta National Heritage Area Proposal and analyzing the capacity for non-governmental organizations and State programs to secure funding to address subsidence in the Delta.

Councilmembers discussed the projects undertaken during Mr. Yund's fellowship.

The video of the Chair's Report can be found on the linked agenda: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2018-08-23>. 00:01:36.

5. Executive Officer's Report (Information Item)

Executive Officer Jessica Pearson noted that the following letters sent during the previous month regarding Delta Plan coordination and implementation were provided to the Councilmembers:

- Comment letter to the City of Stockton re: Envision Stockton 2040 General Plan Update and Environmental Impact Report.
- Comment letter to the City of Antioch re: Draft Environmental Impact Report for Proposed City of Antioch Brackish Water Desalination Project.
- Comment letter to the City of Fairfield, Community Development Department re: The Pacific Flyway Center Initial Study and Mitigated Negative Declaration.
- Comment letter to Bethel Island Municipal Improvement District re: Initial Study/Proposed Mitigated Negative Declaration for the Northwest Levee Improvements and Stone Road Seepage Reduction Project.

The letters can be found on the Council's website at: <http://deltacouncil.ca.gov/outgoing-correspondence>.

Ms. Pearson acknowledged Supervising Engineer Andrew Schwarz for his presentation at an Aug. 14 National Academies of Sciences, Engineering, and Medicine symposium in Washington, DC. Mr. Schwarz presented a collaborative project with Research Meteorologist Dan Cayan (Scripps Institute) on applying an approach to analyzing the potential impacts of drought attributed to climate change on the management of the State Water Project. Ms. Pearson further noted that several Council staff members would participate at the Bay-Delta Science Conference, making presentations and showcasing informational posters. Ms. Pearson then provided an update on current covered actions including the Rush Ranch Tidal Connections Project (public review period closed Aug. 20) and California WaterFix (public review period closes Aug. 27).

The video of the Executive Officer's Report can be found on the linked agenda: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2018-08-23>. 00:16:46.

5a. Legal Update (Action Item)

Chief Counsel Bethany Pane discussed two topics during the legal update:

1. Ex Parte Communication Disclosures **(Information Item)**
Ms. Pane disclosed ex parte communications related to the California WaterFix certification of consistency. These disclosures can be found on the Council's website at: <http://deltacouncil.ca.gov/ex-parte-communication-disclosures-regarding-california-waterfix>.
2. Procedures for Delta Stewardship Council Meetings **(Action Item)**
Ms. Pane requested that the Council take action on amending the Procedures for Delta Stewardship Council Meetings. Some of the amendments include changes to specific text references, logistical changes, and designating the Chair as the presiding officer for appeals challenging certifications of consistency with the Delta Plan.

Motion: Offered by Thomson, second by Damrell - Approved the amended Procedures for Delta Stewardship Council Meetings

Vote: 5/0 – Weinberg, Damrell, Fiorini, Tatayon, Thomson voting aye and the motion was adopted.

The video of the Legal update can be found on the linked agenda: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2018-08-23>. 00:21:41.

5b. Legislative Update (Action Item)

Legislative and Policy Advisor Ryan Stanbra provided the Legislative Update, which can be found on the Council's website at: <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-august-23-2018-item-5b-legislative-report>.

Mr. Stanbra stated that the Legislature is set to adjourn for the year on Aug. 31 and provided a status update for the following bills:

- AB 2348 (California winter rice habitat incentive program) and AB 2441 (removal of abandoned commercial vessels) are both awaiting consideration on the Senate Floor.
- Other bills that have advanced in the process are AB 2470 (invasive species advisory committee) and AB 2528 (supplementing State's existing climate adaptation strategy to include the land use and community development sector, climate justice, and the parks, recreation, and culture section).

At the Federal level, Mr. Stanbra noted that the Department of Interior released a series of proposed regulatory reforms to the Endangered Species Act for public comment. There are four proposed reforms addressing the distinction between endangered and threatened species, the designation of critical habitat for listed species, factors determining when particular species are listed, and the timeframe for listing decisions.

Councilmembers Damrell and Tatayon will appear before the Senate Rules Committee on Aug. 15 for their confirmation hearings.

Councilmembers directed Mr. Stanbra to draft a comment letter for the Endangered Species Act regulatory reform public comment period.

The video of the Legislative Report can be found on the linked agenda: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2018-08-23>. 00:28:23.

6. Lead Scientist's Report (Information Item)

Chair Fiorini invited Dr. John Callaway to present the Lead Scientist's Report. The report covered a summary of an article in *San Francisco Estuary and Watershed Science* on physical and biological conditions in the Cache Slough Complex, and an article in *North American Journal of Fisheries Management* on juvenile salmon survival in the Delta from 2010–2015. Dr. Callaway also provided a summary of a brown bag seminar on Delta smelt reproduction and resilience and an update on the upcoming 2018 Bay-Delta Science Conference. Science Fellow Amanda Wasserman presented the By the Numbers report.

The Lead Scientist's report is available on the Council's website at: <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-august-23-2018-item-6-lead-scientists-report>. The By the Numbers presentation is posted on the Council's website at: <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-august-23-2018-item-6-attachment-1>.

During the Lead Scientist's Report, Councilmembers discussed the survival rates of juvenile salmon and ways to improve the species survival rates. Dr. Callaway stated that flow alone isn't the only driving factor. Increasing survival requires addressing habitat conditions, production, and predation.

The video of the Lead Scientist's Report can be found on the linked agenda: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2018-08-23>. 00:37:30.

Dr. Callaway introduced Interagency Ecological Program (IEP) Lead Scientist Dr. Steve Culberson to discuss several aspects of IEP's monitoring science mandate. Topics included how the IEP's collection of surveys contributes to the understanding of the estuary. During the IEP update, Councilmembers discussed the IEP's increasing level of involvement on the surveys, the evolution of the information included in the data portal, how the changing ecology of the estuary effects past understanding, and better ways to inform the Council on the steps taken to make decisions.

The IEP update is available on the Council's website at: <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-august-23-2018-item-6-attachment-2-iep-update>. The presentation is posted on the Council's website at: <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-august-23-2018-item-6-attachment-2-presentation>.

The video of the IEP update can be found on the linked agenda: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2018-08-23>. 01:10:12.

7. Delta Plan Ecosystem Amendment (Information Item)

7a. Overview

Ms. Pearson introduced Senior Environmental Scientist Supervisor Ron Melcer and Chief Deputy Executive Officer Jessica Law to kick-off the workshop on the Delta Plan Ecosystem Amendment. Mr. Melcer and Ms. Law provided an overview of the workshop topics, panelists, and questions for the Council to consider.

The Delta Plan Ecosystem Amendment overview materials are available on the Council's website at:

Staff Report - <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-august-23-2018-item-7-ecosystem-amendment-workshop>

Workbook - <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-august-23-2018-item-7-attachment-1>

Presentation 1 - <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-august-23-2018-item-7a-presentation-1>.

The video of the Overview can be found on the linked agenda: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2018-08-23>. 01:41:54.

7b. Part 1

Mr. Melcer, Dr. Letitia Grenier, resilient landscapes program director at San Francisco Estuary Institute, Dr. Gerrit Plantenkamp, Northern California director of biological resources and land management at Environmental Science Associates, and Dr. Stuart Siegel, professor of earth and climate sciences at San Francisco State University, presented highlights of the data used and analysis undertaken to identify priority ecosystem restoration actions and strategies. Dr. Grenier discussed details of process-based restoration including ecological functions, the scale of restoration, determining the connection and different needs for various parts of the Delta, and making the system resilient to future stressors. Dr. Plantenkamp discussed prioritizing ecosystem restoration activities within the Delta using four tiers of restoration actions. Dr. Siegel discussed details on tides, terrain, sea level rise, restoration potential, and presented updated maps for all of these priorities.

The presentations for Part 1 are available on the Council's website at:

Dr. Grenier, Presentation 2 – <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-august-23-2018-item-7b-presentation-2>

Dr. Plantenkamp, Presentation 3 – <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-august-23-2018-item-7b-presentation-3>

Dr. Siegel, Presentation 4 - <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-august-23-2018-item-7b-presentation-4>

Councilmembers discussed the correlation between addressing smaller systems of the Delta with addressing the Delta as a whole, adding various ecological functions (outside of species focused functions) to the amendment, understanding what successful water and land connections are, coordinating efforts in order to gather different perspectives, and the need to update land zoning on maps of the Delta.

The video of Part 1 can be found on the linked agenda: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2018-08-23>. 02:01:36.

7c. Part 2

Mr. Melcer, Dr. Kristen Dybala, senior research ecologist at Point Blue Conservation Science, and Dr. Brook Jacobs, environmental program manager at California Department of Fish and Wildlife, summarized key conservation planning efforts. Dr. Dybala discussed conservation objectives. Dr. Jacobs discussed the Delta Conservation Framework.

The presentations for Part 2 are available on the Council's website at:

Dr. Dybala, Presentation 5 – <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-august-23-2018-item-7c-presentation-5>

Mr. Melcer, Presentation 6 – <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-august-23-2018-item-7c-presentation-6>

Dr. Jacobs, Presentation 7 - <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-august-23-2018-item-7c-presentation-7>

Councilmembers discussed how habitats could benefit multiple species, techniques in interacting with landowners, and understanding how the Delta Conservation Framework addresses constraints when setting targets.

The video of Part 2 can be found on the linked agenda: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2018-08-23>. 03:23:05.

7d. Part 3

Mr. Melcer, Ms. Law, and Kari Shively, vice president at Stantec Consulting Services, provided an overview of the Ecosystem Amendment blueprint, including draft policies and recommendations.

The presentation for Part 3 is available on the Council's website at:

Council Staff, Presentation 8 - <http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-august-23-2018-item-7d-presentation-8>

Staff proposed five questions to Councilmembers for discussion:

1. Based on the objectives laid out in the Delta Reform Act, is identifying and prioritizing opportunities for restoration beyond compensatory mitigation and targets required by federal and the California Endangered Species Act the right approach?
2. Is taking a system-wide approach to restoration the right approach?

3. How might priorities, policies, and recommendations better address how elevation loss on subsided islands can be stopped and in some cases reversed?
4. Is using the conservation opportunity areas of the Delta Conservation Framework as a common framework for discussing regional opportunities the right approach?
5. Is using proposed long-term targets that establish objectives for restoration inclusive of existing efforts (e.g., EcoRestore) the right approach?

In regards to question one, Councilmembers expressed support for going beyond compensatory mitigation. During discussion on this topic, Councilmembers encouraged agency stakeholder engagement regarding a holistic approach, identifying and analyzing social and economic vulnerabilities, and continuing to prioritize restoration on publicly-owned over privately-owned lands. Councilmembers also expressed concern about using currently active farmland for restoration.

In regards to question two, Councilmembers expressed support.

In regards to question three, Councilmembers expressed concern about farmers reversing subsidence without assistance and how these issues can translate into the Ecosystem Amendment.

In regards to question four, Councilmembers expressed support for using work that has already been undertaken and building upon that work within the amendment.

In regards to question five, Ms. Law stated that staff would come back at the Sept. or Oct. Council meeting with more details on performance measures. Mr. Melcer and Ms. Law also addressed previous comments about constraints. Councilmembers further discussed the complications of measuring ecosystem function, and the difference between functioning and unimpaired flows.

Councilmember Thomson requested staff to post the final Ecosystem Amendment document for review before the document is to be voted on to give the public enough time to weigh in on the document. Ms. Law responded that there would be multiple additional opportunities for Council and public input at future meetings.

The video of Part 3 of the workshop can be found on the linked agenda: <http://cal-span.org/unipage/?site=cal-span&owner=DSC&date=2018-08-23>. 03:57:37.

8. Public Comment

There was no public comment at the meeting.

- 9. Preparation for Next Council Meeting – Discuss (a) expected agenda items; (b) new work assignments for staff; (c) requests of other agencies; (d) other requests from Councilmembers; and (e) confirm next meeting date.**

The meeting adjourned at 3:08 p.m.